

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

GARY BORDENKIRCHER, an individual,
SANDRA BORDENKIRCHER, an
individual,

Plaintiffs,

vs.

BANK OF AMERICA, N.A., a business
entity; and DOES 1 through 100; inclusive,

Defendants.

Case No: C 12-06421 SBA

ORDER

Docket 12, 19

Presently pending before the Court is Defendant Bank of America, N.A.'s ("Defendant") motion to dismiss under Rule 12(b)(6) of the Federal Rules of Civil Procedure. Dkt. 12. On March 26, 2014, the parties filed a stipulated request to refer this matter to mediation for the purpose of reaching a global resolution of the issues presented in this case and another case filed by Plaintiffs against Defendant and Nationstar Mortgage LLC ("Bordenkircher II Litigation") concerning the same real property that is the subject of the instant action. Dkt. 19. Rather than expending the Court's limited resources in resolving Defendant's motion to dismiss at this juncture, the Court will hold the motion in abeyance pending the completion of mediation. Accordingly,

IT IS HEREBY ORDERED THAT:

1. The parties' stipulated request to refer this matter to mediation is GRANTED. This matter is referred to the Court's ADR program, and shall be assigned to mediator Howard A. Herman, the mediator in the Bordenkircher II Litigation. This matter shall be mediated in conjunction with the Bordenkircher II Litigation on April 25, 2014.

1 2. Defendant's motion to dismiss shall be held in abeyance pending completion
2 of mediation, and Docket 12 shall be administratively terminated. In the event the action
3 does not settle, the parties shall notify the Court forthwith and the Court will set a new
4 hearing date on Defendant's motion.

5 3. This Order terminates Docket 19.

6 IT IS SO ORDERED.

7 Dated: 3/31/2014


SAUNDRA BROWN ARMSTRONG
United States District Judge